

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FERRING PHARMACEUTICALS INC.,)	
FERRING B.V., and FERRING)	
INTERNATIONAL CENTER S.A.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 17-479 (GMS)
)	
SERENITY PHARMACEUTICALS, LLC,)	
REPRISE BIOPHARMACEUTICALS, LLC,)	
and ALLERGAN, INC.,)	
)	
Defendants.)	

ALLERGAN’S MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER

Defendant Allergan, Inc. (“Allergan”) moves to dismiss plaintiffs’ claims against it, or to transfer this action to the Southern District of New York, for the reasons set forth in the opening brief of defendants Serenity Pharmaceuticals, LLC and Reprise Biopharmaceuticals, LLC in support of their motion to dismiss or transfer (D.I. 12), which are incorporated herein by reference. In addition, the “Agreement” with Allergan pleaded in paragraphs 22 and 23 of plaintiffs’ Complaint has been terminated. As Plaintiffs alleged, “upon termination of the Agreement, all right, title, and interest in the Patents in Suit will revert to Serenity and/or Reprise.” Plaintiffs’ claims against Allergan should be dismissed for this additional reason.¹

¹ Allergan has raised this issue with plaintiffs’ counsel, but it has not yet been resolved by the parties.

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June 9, 2017

RULE 7.1.1 CERTIFICATE

I hereby certify that I have raised the issue of transfer with the plaintiffs' counsel, and that the parties have not reached agreement on that issue.

/s/ Jack B. Blumenfeld

Jack B. Blumenfeld (#1014)

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 9, 2017, upon the following in the manner indicated:

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